

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES MCGIBNEY, an individual; and
VIA VIEW, INC., a corporation.

Plaintiffs,

v.

CASE NO. 5:14-cv-01059-BLF

THOMAS RETZLAFF, an individual;
NEAL RAUHAUSER, an individual;
LANE LIPTON, an individual;
and DOES 1-5, individuals whose true
names are not known,

Defendants.

Hearing Date: November 20, 2014
Hearing Time: 8:45 am
Courtroom: 3

**DEFENDANT RETZLAFF'S REQUEST FOR TELEPHONIC APPEARANCE
AT MOTION HEARING**

TO THE HONORABLE BETH FREEMAN, CO-DEFENDANTS, PLAINTIFFS AND THEIR
ATTORNEYS OF RECORD:

The undersigned Defendant, Pro Se, respectfully requests the opportunity to appear telephonically for the hearing several defense motions filed by Retzlaff scheduled for Thursday, November 20, 2014, at 8:45 a.m.

This request is necessitated by the fact that Defendant is not a resident of California and lives over 1000 miles away from the court and is at least a 14 hour drive one way. Defendant is of limited financial means. It would easily cost \$1000 or so to obtain transportation, food, and lodging so as to attend a hearing of unknown duration that could last anywhere from 15 minutes to several hours, or more.

Concurrently with this request, defendant has filed with the Court his request for the appointment of counsel to represent him at no cost. ECF 89. Should the Court deny that request, defendant requests that he be allowed to appear by telephone. Defendant has a fundamental

Constitutional right to Access to the Court and to Due Process which this Court must respect.

WHEREFORE, Defendant Retzlaff respectfully requests that he be permitted to appear by telephone for the hearings presently set for November 20th.

Dated: November 12, 2014

/s/

Thomas Retzlaff

Defendant, Pro Se

CERTIFICATE OF SERVICE

I certify that on November 12, 2014, a copy of this document was electronically filed on the CM/ECF system, which will automatically serve a Notice of Electronic Filing on the following attorney in charge for plaintiffs ViaView & James McGibney:

Jason Scott Leiderman, of 5740 Ralston Street Ste 300, Ventura, CA 93003, Email: Jay@Criminal-Lawyer.me.

I certify that Jay Leiderman is a registered CM/ECF user and that service will be accomplished by the CM/ECF system.

I certify that on November 12, 2014, a copy of this document was electronically filed on the CM/ECF system, which will automatically serve a Notice of Electronic Filing on the following attorney in charge for defendant Lane Lipton:

Clark Anthony Braunstein, of 11755 Wilshire Boulevard, Suite 2140, Los Angeles, CA 90025, Email: Clarkbraunstein@gmail.com.

I certify that Clark Anthony Braunstein is a registered CM/ECF user and that service will be accomplished by the CM/ECF system.

/s/ Thomas Retzlaff

Thomas Retzlaff

Defendant, pro se

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ORDER GRANTING TELEPHONE APPEARANCE

It is hereby ordered that Defendant Retzlaff is granted permission to appear telephonically at the hearings on defendant's motions presently scheduled for Thursday, November 20, 2014, at 8:45 a.m.

IT IS SO ORDERED.

Dated: _____

The Honorable Beth Freeman,
U.S. District Judge